



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

08/944,435 10/06/97 LAVENDEL L 36-P143

005514 TM02/0227
FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

EXAMINER

LUU, S

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 02/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/944,435

Applicant(s)

LAVENDEL ET AL.

Examiner

Sy D Luu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 74-108 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 74-108 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) _____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

DETAILED ACTION

1. This communication is responsive to the Amendment, filed 11/9/2000. Claims 74-108 are pending in this application. Claims 74, 81, 88, 95 and 102 are independent claims. In the Amendment filed on 11/9/2000, claims 74, 81, 88, 95 and 102 were amended. This action is made Non-Final.

Claim Rejections - 35 USC § 112

2. Claims 76-77, 83-84, 90-91, 97-98, and 104-05 recites the limitation "the second interface" in which there is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 74-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over HP ScanJet 5p Scanner User's Guide ("HP User's Guide", Hewlett-Packard Co., Publication No. C5112-90000, First Edition 9/1996).

As per claim 74, HP User's Guide discloses a user interface comprising: a property page (depicted by the lower-left figure on page 2-26 titled "HP PictureScan Options", hereinafter figure 2-26) providing an interface for a control, and at least first and second selection elements displayed in the property page (depicted by any two selection buttons on left side of fig. 2-26), each of the at least first and second selection buttons corresponding to a different appearance of the interface for the control provided by the property page; and wherein a first appearance of the

interface is provided, in the property page in response to selection of the first selection button (fig. 2-26, "Size Settings"), and a second appearance of the interface is provided in the property page in response to selection of the second selection button (depicted by the upper-right figure on page 2-28 titled "Picture Adjustments", hereinafter figure 2-28).

The HP User's Guide uses the term "buttons" rather than "selection elements" in the property page. Since both the buttons and selection elements perform the same function, it would have been obvious to an artisan at the time of the invention that they are equivalent in meaning as well as context.

As per claim 75, the HP User's Guide discloses said property page having a control region (fig. 2-26, shown as the "Size Settings" control region), and wherein when said plural elements are shown, said plural elements are shown in said control region.

As per claim 76, the HP User's Guide discloses said property page having a button region (fig. 2-26, shown as the button options to the left of the "Size Settings" control region), said button region having multiple buttons, and wherein the interface is provided in response to user manipulation of the multiple buttons (for example, the second interface would be provided when the user selects the top-most button indicating that the "Picture Adjustments" interface as shown by fig. 2-28 is desired).

As per claim 78, the HP User's Guide discloses said plural elements to include at least one element selected from the group of list boxes, text boxes, check boxes, slides, buttons, and editable curves (fig. 2-26).

As per claim 79, the HP User's Guide discloses said property page to provide tone

Art Unit: 2773

control for an image acquisition device (fig. 2-28, as provided by the "Picture Adjustments" option).

As per claim 80, the HP User's Guide discloses the user interface being executed in a windowing environment.

Claims 81, 88, 95 and 102 are similar in scope to claim 74, and are therefore rejected under similar rationale.

Claims 82, 89, 96 and 103 are similar in scope to claim 74, and are therefore rejected under similar rationale.

Claims 83, 90, 97 and 104 are similar in scope to claim 76, and are therefore rejected under similar rationale.

Claims 85, 92, 99 and 106 are similar in scope to claim 78, and are therefore rejected under similar rationale.

Claims 86, 93, 100 and 107 are similar in scope to claim 79, and are therefore rejected under similar rationale.

Claims 87, 94, 101 and 108 are similar in scope to claim 80, and are therefore rejected under similar rationale.

Response to Arguments

5. Applicant's arguments with respect to claims 74, 81, 88, 95 and 102 have been fully considered but they are not persuasive.

Applicant argues that the HP User's Guide does not provide selection elements that result in a different appearance of the "Size Settings" display of fig. 2-26 or the "Picture Adjustments" display of fig. 2-28 to be displayed. The Examiner disagrees for the following reasons: the HP

Art Unit: 2773

User's Guide does provide exactly all requirements of the claim language with the property page being the fig. 2-26, selection elements depicted by the buttons on the left side of fig. 2-26, wherein each of the selection element corresponds to a different interface as shown by the interface sections on the right side of fig. 2-26 labeled "Size Settings", or "Picture Adjustments" which is depicted in fig. 2-28. Please note that although "Picture Adjustments" is depicted separately in fig. 2-28, however it is actually a part of fig. 2-26.

Inquires


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (703) 305-0409. The examiner can normally be reached on Monday - Thursday from 6:30 am to 4:00 pm (EST). The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (703) 308-3116.

The fax number for the organization where this application or proceeding is assigned is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Sy D. Luu
Patent Examiner
February 22, 2001


RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173